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7590	05/20/2005		EXAMINER	
John L. Rogitz Rogitz & Associates 750 B Street, Suite 3120 San Diego, CA 92101			AKLILU, KIRUBEL	
			ART UNIT	PAPER NUMBER
			2614	

DATE MAILED: 05/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

WTK

Office Action Summary	Application No.	Applicant(s)
	09/840,326	KITSUKAWA ET AL.
	Examiner	Art Unit
	Kirubel Aklilu	2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 23 April 2001.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-24 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 23 April 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 22.9/16/02 1121105
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Williams et al. (U.S. Patent # 5,977,964).

1. As for **Claim 1**, Williams et al. teach a method for providing Internet content via an interactive television system (see fig. 1 system 100 that represents a number of components that make up an entertainment system (including an interactive television system). See col. 2 lines 29-31. Also col. 5 lines 31-35 teach the system can be used to access information from the Internet "In one embodiment, the user is "surfing" the Internet via system controller 104 and a modem (not shown) coupled to telephone/network communications I/O 128."), comprising the acts of:

monitoring usage of the interactive television system (see col. 2 lines 11-14 "In accordance with the teachings of the present invention, a method and apparatus for automatically configuring a system based on a user's monitored system interaction and preferred system access times is provided.");

establishing content access patterns for at least one consumer (col. 2 lines 15-18

"According to one embodiment, a user profile corresponding to the user is updated based at least in part on the monitored user interaction with the system.");

predicting at least one access time at least partially based on the content access patterns (col. 2 lines 18-22 "Preferred system access times of the user are identified based at least in part on the user profile, and the system is automatically configured based at least in part on the user profile and the user's preferred system access times."); and

downloading content based on the predicted access time (see col. 7 lines 59-63 "According to another embodiment of the present invention, the television schedule grid displays the programming options available only during a particular time period(s) of the day based on the user's preferred system access times." The television schedule grid are interpreted to be the downloaded content.)

2. As for **Claim 2**, Williams et al. teach a method for providing Internet content via an interactive television system, comprising the acts of:

monitoring usage of the interactive television system (see col. 2 lines 11-14 "In accordance with the teachings of the present invention, a method and apparatus for automatically configuring a system based on a user's monitored system interaction and preferred system access times is provided.");

establishing usage patterns for at least one consumer (col. 2 lines 15-18

"According to one embodiment, a user profile corresponding to the user is updated based at least in part on the monitored user interaction with the system.");

predicting at least one time of usage at least partially based on the usage patterns (col. 2 lines 18-22 "Preferred system access times of the user are identified based at least in part on the user profile, and the system is automatically configured based at least in part on the user profile and the user's preferred system access times."); and

downloading content relevant to the usage based on the predicted time of usage (see col. 7 lines 59-63 "According to another embodiment of the present invention, the television schedule grid displays the programming options available only during a particular time period(s) of the day based on the user's preferred system access times."

The television schedule grid is interpreted to be the downloaded content that is relevant to the usage based on the predicted time of usage).

3. As for **Claim 3**, Williams et al. teach a usage by the consumer is monitored to establish content access patterns and the method further includes the acts of:

predicting at least one access time at least partially based on the content access patterns (see col. 7 lines 59-63 "According to another embodiment of the present invention, the television schedule grid displays the programming options available only during a particular time period(s) of the day based on the user's preferred system access times. **This time period is the time period, identified by system controller**

104 based on user profile database 800, during which the user most frequently watches television."); and

downloading content based on the predicted access time (see col. 7 lines 59-63 "According to another embodiment of the present invention, the television schedule grid displays the programming options available only during a particular time period(s) of the day based on the user's preferred system access times." The schedule grid is interpreted to the content downloaded based on the predicted access time).

4. As for **Claim 4**, Williams et al. teach the usage by the consumer is monitored to establish start-up patterns (see col. 7 line 59- col. 8 line 3 "According to another embodiment of the present invention, the television schedule grid displays the programming options available only during a particular time period(s) of the day based on the user's preferred system access times." The starting time of the access times (6:00 pm in this example) is interpreted to be a start-up pattern) and the method further includes the acts of:

predicting at least one start-up time at least partially based on the start-up patterns (see col. 7 line 59- col. 8 line 3 "For example, a user may typically watch television only between 6:00 pm and 9:00 pm. Thus, in this embodiment the present invention would display only the programming options available during the 6:00 pm to 9:00 pm time period, even if the grid were to be displayed at 10:00 am." 6:00 pm is interpreted to be the start-up time that is predicted based on the users watching pattern); and

downloading content relevant to a gateway screen based on the predicted start-up time (see col. 8 lines 4-14 "In one embodiment of the present invention, selection of various programs can be made via the television schedule grid. In this embodiment, a user can select a particular portion of the grid by moving a cursor across the grid to a cell in the grid that contains the title of the program to be selected and then "clicking" the mouse button while the cursor is within the cell. System controller 104 can then ask the user whether the selected program is to be watched or recorded and display or record the program as requested by the user." The schedule grid that is downloaded is interpreted to be a gateway screen because it provides the gateway for the user to access the programming that the user wants to watch by clicking on a particular cell of the grid).

5. As for **Claim 5**, Williams et al. teach the usage by the consumer is monitored to establish shut-down patterns (see col. 7 line 59- col. 8 line 3 "According to another embodiment of the present invention, the television schedule grid displays the programming options available only during a particular time period(s) of the day based on the user's preferred system access times." The end time of the access times (9:00 pm in this example) is interpreted to be a shut-down pattern) and the method further includes the acts of:

predicting at least one shut-down time at least partially based on the shutdown patterns (see col. 7 line 59- col. 8 line 3 "For example, a user may typically watch television only between 6:00 pm and 9:00 pm. Thus, in this embodiment the present

invention would display only the programming options available during the 6:00 pm to 9:00 pm time period, even if the grid were to be displayed at 10:00 am.” 9:00 pm is interpreted to be the start-up time that is predicted based on the users watching pattern); and

downloading content relevant to a gateway screen based on the predicted shut-down time (see col. 8 lines 4-14 “In one embodiment of the present invention, selection of various programs can be made via the television schedule grid. In this embodiment, a user can select a particular portion of the grid by moving a cursor across the grid to a cell in the grid that contains the title of the program to be selected and then “clicking” the mouse button while the cursor is within the cell. System controller 104 can then ask the user whether the selected program is to be watched or recorded and display or record the program as requested by the user.” The schedule grid that is downloaded is interpreted to be a gateway screen because it provides the gateway for the user to access the programming that the user wants to watch by clicking on a particular cell of the grid).

6. As for **Claim 6**, Williams et al. teach the usage by the consumer is monitored to establish request for content patterns (see col. 13 lines 4-62 “System controller 104 then identifies patterns of recording behavior corresponding to each of the source channels, step 510. System controller 104 can be programmed to identify any of a wide variety of patterns, such as recording the same time period (e.g., 1:30 pm to 2:00 pm, or 6:00 am to 7:00 am) of a particular channel every day for at least a certain number (e.g.,

two) of immediately preceding days . . ." It is interpreted that the user is requesting the television system to record the programming at the specified times) and the method further includes the acts of:

predicting at least one future request time based at least partially on the request for content patterns (see col. 13 lines 26-35 "Once the patterns are identified, system controller 104 compares the identified patterns to the current programmed recording list, step 515, and checks whether there are patterns identified which are about to be broken, step 520." When the system checks if the patterns are about to be broken, the system inherently has predicted what at least one future request time that is based on the pattern of past requests); and

prompting the consumer to accept content based on the predicted request time (see col. 13 lines 49-54 "if there is a pattern which is potentially about to be broken, then system controller 104 either prompts the user as to whether the user wants to record the channel at the time indicated by the pattern," Recording the content of the channel is interpreted to be accepting content).

7. As for **Claim 7**, Williams et al. teach if the consumer accepts the prompt, downloading content (see col. 13 lines 49-54 "if there is a pattern which is potentially about to be broken, then system controller 104 either prompts the user as to whether the user wants to record the channel at the time indicated by the pattern, or alternatively automatically programs the device to record, step 525." Recording the material is interpreted to mean the same as downloading the program).

8. As for **Claim 8**, Williams et al. teach an interactive television system, comprising:

at least one Web server having Internet content stored therein (see col. 6 lines 12-16 “In one implementation, system controller 104 retrieves the specific stock quotes from a predetermined world wide web site on the Internet via telephone/network interface 128.” It is interpreted that the website has a web server that stores the stock quotes);

at least one interactive television system server (see col. 9 lines 41-44 “Information available on the known system users is contained in a user profile database (e.g., user profile database 800) which may reside locally within system 100, or may reside at remote location.” The limitation of the interactive television system 100 because the user profile database can be stored locally in system 100); and

at least one interactive television (see fig. 1 unit 102 Television is interpreted to be an interactive television), the interactive television receiving Internet content at least from the Web server (see col. 6 lines 12-16 “In one implementation, system controller 104 retrieves the specific stock quotes from a predetermined world wide web site on the Internet via telephone/network interface 128.”), the interactive television system server including a program for downloading Internet content to the interactive television at predicted times (see col. 6 lines 12-16 “In one implementation, system controller 104 retrieves the specific stock quotes from a predetermined world wide web site on the Internet via telephone/network interface 128.” System controller 104 is interpreted to be the program for downloading the Internet content (stock quotes) from a web server.

Since system 104 downloads the stoke quotes based on the known pattern of the user's preference (see col. 5 lines 60-64 "user profile database 800 tracks user preferred channels, volume, program genre information, whether to block content information, and whether supplemental programming is requested with a particular channel.") it is interpreted that the stoke quotes are downloaded at predicted times).

9. As for **Claims 9-14**, the limitations for the claims fall within the limitations of claims 2-7. Claims 9-14 further require a logic means for implementing the limitations of the claims. Williams et al. teaches a computer software program that runs within the interactive television system to carry out the limitations. See col. 15 lines 9-33 "In one embodiment, the innovative features of the present invention discussed above may be implemented as a series of software routines run by system controller 600 of FIG. 6. These software routines run a plurality or series of instructions to be executed by a processor, such as processor 602 in system controller 600." These software means are interpreted to be the logic means required to carry out the limitations of claims 9-14.
10. As for **Claim 15**, Williams et al. teach a method for providing Internet content via an interactive television system (see col. 5 lines 31-35 "In one embodiment, the user is "surfing" the Internet via system controller 104 and a modem (not shown) coupled to telephone/network communications I/O 128."), comprising the acts of:
predicting at least one time of usage (col. 2 lines 18-22 "Preferred system access times of the user are identified based at least in part on the user profile, and the system

is automatically configured based at least in part on the user profile and the user's preferred system access times."); and

downloading, to an interactive television, Internet content relevant to the usage based on the predicted time of usage (see col. 7 lines 59-63 "According to another embodiment of the present invention, the television schedule grid displays the programming options available only during a particular time period(s) of the day based on the user's preferred system access times." The television schedule grid are interpreted to be the downloaded content that is relevant to the usage based on the predicted time of usage).

16. As for **Claim 16**, Williams et al. teach:

monitoring consumer usage to establish content access patterns (see col. 2 lines 11-14 "In accordance with the teachings of the present invention, a method and apparatus for automatically configuring a system based on a user's monitored system interaction and preferred system access times is provided.");

predicting at least one access time at least partially based on the content access patterns (col. 2 lines 18-22 "Preferred system access times of the user are identified based at least in part on the user profile, and the system is automatically configured based at least in part on the user profile and the user's preferred system access times."); and

downloading content based on the predicted access time (see col. 7 lines 59-63 "According to another embodiment of the present invention, the television schedule grid

displays the programming options available only during a particular time period(s) of the day based on the user's preferred system access times." The television schedule grid is interpreted to be the downloaded content.).

17. As for **Claim 17**, Williams et al. teach:

monitoring consumer usage to establish start-up patterns (see col. 7 line 59- col. 8 line 3 "According to another embodiment of the present invention, the television schedule grid displays the programming options available only during a particular time period(s) of the day based on the user's preferred system access times." The starting time of the access times (6:00 pm in this example) is interpreted to be a start-up pattern);

predicting at least one start-up time at least partially based on the start-up patterns (see col. 7 line 59- col. 8 line 3 "For example, a user may typically watch television only between 6:00 pm and 9:00 pm. Thus, in this embodiment the present invention would display only the programming options available during the 6:00 pm to 9:00 pm time period, even if the grid were to be displayed at 10:00 am." 6:00 pm is interpreted to be the start-up time that is predicted based on the users watching pattern); and

downloading content relevant to a gateway screen based on the predicted start-up time (see col. 8 lines 4-14 "In one embodiment of the present invention, selection of various programs can be made via the television schedule grid. In this embodiment, a user can select a particular portion of the grid by moving a cursor across the grid to a

cell in the grid that contains the title of the program to be selected and then "clicking" the mouse button while the cursor is within the cell. System controller 104 can then ask the user whether the selected program is to be watched or recorded and display or record the program as requested by the user." The schedule grid that is downloaded is interpreted to be a gateway screen because it provides the gateway for the user to access the programming that the user wants to watch by clicking on a particular cell of the grid).

18. As for **Claim 18**, Williams et al. teach:

monitoring consumer usage to establish shut-down patterns (see col. 7 line 59- col. 8 line 3 "According to another embodiment of the present invention, the television schedule grid displays the programming options available only during a particular time period(s) of the day based on the user's preferred system access times." The end time of the access times (9:00 pm in this example) is interpreted to be a shut-down pattern);

predicting at least one shut-down time at least partially based on the shutdown patterns (see col. 7 line 59- col. 8 line 3 "For example, a user may typically watch television only between 6:00 pm and 9:00 pm. Thus, in this embodiment the present invention would display only the programming options available during the 6:00 pm to 9:00 pm time period, even if the grid were to be displayed at 10:00 am." 9:00 pm is interpreted to be the start-up time that is predicted based on the users watching pattern); and

downloading content relevant to a gateway screen based on the predicted shutdown time (see col. 8 lines 4-14 "In one embodiment of the present invention, selection of various programs can be made via the television schedule grid. In this embodiment, a user can select a particular portion of the grid by moving a cursor across the grid to a cell in the grid that contains the title of the program to be selected and then "clicking" the mouse button while the cursor is within the cell. System controller 104 can then ask the user whether the selected program is to be watched or recorded and display or record the program as requested by the user." The schedule grid that is downloaded is interpreted to be a gateway screen because it provides the gateway for the user to access the programming that the user wants to watch by clicking on a particular cell of the grid).

19. As for **Claim 19**, Williams et al. teach:

monitoring consumer usage to establish request for content patterns (see col. 13 lines 4-62 "System controller 104 then identifies patterns of recording behavior corresponding to each of the source channels, step 510. System controller 104 can be programmed to identify any of a wide variety of patterns, such as recording the same time period (e.g., 1:30 pm to 2:00 pm, or 6:00 am to 7:00 am) of a particular channel every day for at least a certain number (e.g., two) of immediately preceding days . . .");

predicting at least one future request time based at least partially on the request for content patterns (see col. 13 lines 26-35 "Once the patterns are identified, system controller 104 compares the identified patterns to the current programmed recording list,

step 515, and checks whether there are patterns identified which are about to be broken, step 520."); and

prompting the consumer to accept content based on the predicted request time (see col. 13 lines 49-54 "if there is a pattern which is potentially about to be broken, then system controller 104 either prompts the user as to whether the user wants to record the channel at the time indicated by the pattern," Recoding the content of the channel is interpreted to be accepting content).

20. As for **Claim 20**, Williams et al. teach if the consumer accepts the prompt, downloading content (see col. 13 lines 49-54 "if there is a pattern which is potentially about to be broken, then system controller 104 either prompts the user as to whether the user wants to record the channel at the time indicated by the pattern, or alternatively automatically programs the device to record, step 525." Recording the material is interpreted to mean the same as downloading the program).

21. As for **Claim 21**, Williams et al. teaches a method for providing Internet content via an interactive television system (see col. 5 lines 31-35 "In one embodiment, the user is "surfing" the Internet via system controller 104 and a modem (not shown) coupled to telephone/network communications I/O 128."), comprising the acts of:

monitoring usage of the interactive television system (see col. 2 lines 11-14 "In accordance with the teachings of the present invention, a method and apparatus for

automatically configuring a system based on a user's monitored system interaction and preferred system access times is provided.");

establishing usage patterns for at least one consumer (col. 2 lines 15-18

"According to one embodiment, a user profile corresponding to the user is updated based at least in part on the monitored user interaction with the system.");

predicting at least one content source at least partially based on the usage patterns (see col. 6 lines 12-15 "In one implementation, system controller 104 retrieves the specific stock quotes from a predetermined world wide web site on the Internet via telephone/network interface 128." The predetermined website is interpreted to be the content source that is predicted based on the user's usage patterns.); and

downloading content from the predicted content source based on the usage patterns (see col. 6 lines 12-15 "In one implementation, system controller 104 retrieves the specific stock quotes from a predetermined world wide web site on the Internet via telephone/network interface 128." The stock quotes are the contents that are downloaded from the predetermined website).

22. As for **Claim 22**, Williams et al. teach the usage by the consumer is monitored to establish content access patterns and the method further includes the acts of:

predicting at least one content source at least partially based on the content access patterns (see col. 6 lines 12-15 "In one implementation, system controller 104 retrieves the specific stock quotes from a predetermined world wide web site on the

Internet via telephone/network interface 128." The predetermined website is interpreted to be the content source that is predicted based on the content access patterns.); and downloading content based on the predicted content source (see col. 6 lines 12-15 "In one implementation, system controller 104 retrieves the specific stock quotes from a predetermined world wide web site on the Internet via telephone/network interface 128." The stock quotes are the contents that are downloaded from the predetermined website).

23. As for **Claim 23**, Williams et al. teach the usage by the consumer is monitored to establish request for content patterns (see col. 13 lines 4-62 "System controller 104 then identifies patterns of recording behavior corresponding to each of the source channels, step 510. System controller 104 can be programmed to identify any of a wide variety of patterns, such as recording the same time period (e.g., 1:30 pm to 2:00 pm, or 6:00 am to 7:00 am) of a particular channel every day for at least a certain number (e.g., two) of immediately preceding days . . ." The recording behavior of the user is interpreted to be request patterns because the user is requesting the interactive television system to record the programs) and the method further includes the acts of: predicting at least one content source based at least partially on the request for content patterns (see col. 13 lines 26-35 "Once the patterns are identified, system controller 104 compares the identified patterns to the current programmed recording list, step 515, and checks whether there are patterns identified which are about to be broken, step 520." When the system checks to identify if a pattern is going to be

broken, the system inherently has predicted what the content source of the program that is to be recorded is transmitted from); and

prompting the consumer to accept content based on the predicted content source (see col. 13 lines 49-54 "if there is a pattern which is potentially about to be broken, then system controller 104 either prompts the user as to whether the user wants to record the channel at the time indicated by the pattern," Recoding the content of the channel is interpreted to be accepting content).

24. As for **Claim 24**, Williams et al. teach if the consumer accepts the prompt, downloading content (see col. 13 lines 49-54 "if there is a pattern which is potentially about to be broken, then system controller 104 either prompts the user as to whether the user wants to record the channel at the time indicated by the pattern, or alternatively automatically programs the device to record, step 525." Recording the material is interpreted to mean the same as downloading the program).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kirubel Aklilu whose telephone number is 571-272-7342. The examiner can normally be reached on 9:00AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2614

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KA

5/11/05



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